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# A BILL FOR AN ACT

RELATING TO HAWAIIAN PLANTS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the use of Hawaiian  
2 plants in landscaping is fundamental to preserving and fostering  
3 a Hawaiian sense of place in our neighborhoods and communities.  
4 Historically, each island, moku, and ahupuaa supported varied  
5 and diverse Hawaiian plant life. The connections between  
6 certain areas and certain plants hold cultural significance and  
7 reflect an ecological balance achieved through long-term  
8 adaptation to specific local environments.

9       The relatively recent influx of non-native plant species  
10 and invasive plant species has transformed Hawaii's urban and  
11 natural environment. Some invasive plants have displaced and  
12 endangered Hawaii's native plants and animals. Notably, state  
13 landscaping projects have continued to utilize and propagate  
14 some of these more recently introduced plants, notwithstanding  
15 the importance of Hawaiian plants to biodiversity, ecological  
16 stability, and a cultural sense of place.



1       Accordingly, the legislature finds that publicly-funded  
2       landscaping should embody the cultural and ecological heritage  
3       of the place in which the landscaping is located through the use  
4       of Hawaiian plants associated with each project area. The  
5       legislature further finds that a place-based approach to  
6       landscaping on the local level is important and desirable for  
7       cultural preservation, biodiversity, biosecurity, and ecosystem  
8       management.

9       The purpose of this Act is to amend the Hawaii public  
10      procurement code to require that all publicly-funded landscaping  
11      projects include a minimum percentage of Hawaiian plants in  
12      order to contribute to a Hawaiian sense of place, to reduce the  
13      use of non-native invasive plant species, and to support the  
14      preservation of Hawaii's cultural and ecological heritage.

15      SECTION 2. Section 103D-408, Hawaii Revised Statutes, is  
16      amended to read as follows:

17      "~~[§]§103D-408[]—Indigenous and Polynesian introduced]~~  
18      Hawaiian plants; use in public landscaping. (a) ~~[Wherever and~~  
19      ~~whenever feasible,]~~ Subject to the exceptions in subsections (d)  
20      and (e), all plans, designs, and specifications for new or  
21      renovated landscaping of any building, complex of buildings,



1 facility, complex of facilities, or housing developed by the  
2 State with public moneys shall incorporate [~~indigenous land~~  
3 ~~plant species as defined in section 195D-2, and plant species~~  
4 ~~brought to Hawaii by Polynesians before European contact, such~~  
5 ~~as the kukui, noni, and coconut,~~] Hawaiian plants; provided  
6 that:

7 (1) Suitable cultivated plants can be made available for  
8 this purpose without jeopardizing wild plants in their  
9 natural habitat; [~~and~~]

10 (2) Wherever and whenever possible, [~~indigenous~~] Hawaiian  
11 plants shall be used for landscaping on the island [~~or~~  
12 ~~islands on~~] and ahupuaa in which the species  
13 [~~originated.~~] was found or known to occur prior to  
14 European contact;

15 (3) Wherever and whenever feasible, Hawaiian plants used  
16 for landscaping pursuant to this section shall be  
17 sourced from the island on which they are used; and

18 (4) Wherever and whenever feasible, when non-Hawaiian  
19 plants are proposed for use in landscaping pursuant to  
20 this section, the offeror shall use the invasive



1 species council's Hawaii-Pacific weed risk assessment  
2 system in selecting any such plant species.

3 (b) Each plant or group of plants used pursuant to  
4 subsection (a) shall be clearly identified with signs for the  
5 edification of the general public.

6 (c) Subject to subsection (d), the timetable for the  
7 incorporation of Hawaiian plants pursuant to subsection (a)  
8 shall be as follows:

9 (1) No later than January 1, 2019, Hawaiian plants shall  
10 constitute a combined minimum of ten per cent of the  
11 total plant footprint for landscaping plans, designs,  
12 and specifications pursuant to subsection (a);

13 (2) No later than January 1, 2025, Hawaiian plants shall  
14 constitute a combined minimum of twenty-five per cent  
15 of the total plant footprint for landscaping plans,  
16 designs, and specifications pursuant to subsection  
17 (a); and

18 (3) No later than January 1, 2030, Hawaiian plants shall  
19 constitute a combined minimum of thirty-five per cent  
20 of the total plant footprint for landscaping plans,



1 designs, and specifications pursuant to subsection

2 (a).

3 (d) For the purposes of calculating the minimum percentage  
4 of the total plant footprint for landscaping required under  
5 subsection (c), the total plant footprint shall exclude:

6 (1) Landscaped areas of sand, turf grass, sod, hydroseed,  
7 hydromulch, or stolons;

8 (2) The plant footprint of exceptional trees designated  
9 under chapter 58, and street trees; and

10 (3) Additional landscaped areas, not within the  
11 conservation land use district, within a county as  
12 determined by the county zoning agency, including but  
13 not limited to landscaping necessary for erosion  
14 control.

15 (e) This section shall not apply to landscaping associated  
16 with a significant historic property designated under section  
17 6E-2 and its implementing regulations.

18 (f) For the purposes of this section, "Hawaiian plants"  
19 means any plant species, including land, freshwater, and marine  
20 plant species, growing or living in Hawaii without having been  
21 brought to Hawaii by humans; or any plant species, including



1 land, freshwater, and marine plant species, brought to Hawaii by  
2 Polynesians before European contact, such as kukui, kalo, wauke,  
3 niu, noni, and kamani."

4 SECTION 3. This Act shall not be applied so as to impair  
5 any contract existing as of the effective date of this Act in a  
6 manner violative of either the Hawaii State Constitution or  
7 article I, section 10, of the United States Constitution.

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect on July 1, 2030.



**Report Title:**

OHA Package; Hawaii Plants; Public Landscaping

**Description:**

Subject to exceptions, requires all plans, designs, and specifications for new or renovated landscaping of State-developed buildings, complexes, facilities, or housing to incorporate Hawaiian plants. (HB206 HD2)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

